

Certificate of SOO JUNG

I, SOO JUNG, hereby state as follows:

1. I am a director of Administrative Team at ATOUCH CO., LTD. ("ATOUCH"), a Korean corporation located in Seoul, Korea, and make this certificate in support of petitioner ATOUCH for its renewed petition under the unintentional provisions of 37 CFR 1.137(b) to revive US Patent Application No.09/992,824.

2. I make this certificate based on my personal knowledge and investigations, interviews with other employees at ATOUCH, and review of various business documents regularly kept at ATOUCH since its incorporation.

3. ATOUCH is a small technology venture company established on October 27, 2000. At the time, ATOUCH had five employees and the initial capital was about US\$100,000. I have attached hereto a true and correct copy and English translation of the company's commercial registry as **Exhibit "A"**.

4. Nevertheless, the company has been focusing on researching and development of advanced technology and competitive products, and has considered patents as an important asset of the company. As a result, the company had filed more than 50 patents by the end of 2002. I have attached hereto a list of patents owned by ATOUCH as **Exhibit "B"**.

5. From the incorporation until now, the company has maintained substantively five teams, R&D, Manufacturing, QA, Sales & Marketing and Administrative. I have attached hereto an organization chart of ATOUCH as of January 1, 2004 as **Exhibit "C"**.

6. The major responsibilities of Administrative Team include, among others, management assistance, accounting and financial matters, human resources and patent management. Since the company is a relatively small company with a small number of employees, all matters not

specifically belonging to R&D, Manufacturing, QA or Sales & Marketing teams are handled by Administrative Team. So, Administrative Team has been always very busy and hectic.

7. From the incorporation until now, on average, only two persons have been assigned to the Administrative Team. But, none of them has been a person having adequate experience regarding the US patents application practices. I have attached hereto a List of President and Administrative Team of ATOUCH as **Exhibit "D"**.

8. From 2003 until I joined the company, Jung-Yoon Shin and Sang-Jae Byun were in charge of Administrative Team. Mr. Shin majored in business management and Mr. Byun majored in economics. Both of them had a limited understanding of the US patent application practices.

9. Since March 28, 2006, I have been in charge of Administrative Team. I majored in business administration at a college. I have only a basic understanding of patents, and am not familiar with the actual practices involving US patent applications. Also, I am not good in English and professional patent terminologies. So, without explanation from someone knowledgeable, I would not understand most of the correspondences exchanged between the Korean patent attorneys and the US patent agents regarding this case.

10. Because of the importance of patents and the small size of the company, it has been the company's practice to report all patent related decisions up to the company's president.

11. From 2001 till now, seven persons have served as the president of the company, but, none of them has sufficient knowledge regarding the US patent application practices. During 2003-2004, Gwang-Sik Jang was the president of the company, and his college major was a public administration.

12. Due to such limited internal capabilities, ATOUCH has been utilizing and relying entirely on outside patent attorneys for the company's

patent related matters. Since 2001, the company has engaged, among others; Patent and Law Office of Lee Keon-Joo, Lee & Kwon Law and Patent Office, HANSHIN International Patent & Trademark Office ("HANSHIN"), and SINJI International Patent Law Firm ("SINJI") from time to time.

13. So, according to the company's standard operating procedure regarding patents, whenever a significant invention was made by an employee, the company consulted with its outside patent attorney to determine whether and where to file a patent application. Once the company decided to file a patent application, the outside patent attorney retained for the matter took a leading role, prepared all application documentations and instructed the company to take specific actions (i.e., signing a power of attorney prepared by the patent attorney, paying a filing fee, or signing an assignment form). After a patent was registered, the outside patent attorney reminded the company of any payment or fee to make, and the company made payments as invoiced by the outside patent attorney.

14. In 2001, In connection with US Patent Application No.09/992,824, ATOUCH retained Chong Hwa KIM ("KIM"), Korean patent attorney at HANSHIN to file the US patent application, based on the Korean patent applications (No.2001-1608 and No.2001-15850) already filed based on the same invention.

15. On or about February 21, 2002, KIM informed Gwang-Sik Jang, then president of ATOUCH that US Application No.09/992,824 was filed on November 14, 2001 to the USPTO.

16. Since its incorporation, the company has been struggling with various difficulties. Initially, the business was not so successful and the company recorded huge financial losses. In 2003, the total sales revenue was US\$704,000, but the net profit was US\$1,091,000 negative. I have attached hereto a summary financial statements of ATOUCH during 2001-2007 as **Exhibit "E"**.

17. In 2003, the company was not able to pay on time several account payables including the fees invoiced by KIM. As of July 30, 2003, the total amount of outstanding fees was 27,063,680 Won (approximately US\$27,000). On or about August 1, 2003, Jung-Yoon Shin at the company discussed with KIM the amount of outstanding fees and the company's payment plan. On or about September 24, 2004, the company had paid KIM 7,368,698 Won (approximately US\$7,400), and the remaining outstanding fees has been paid in December 2007. I have attached hereto a true and correct copy and English translation of KIM's letter addressed to Soo Jung at Administrative Team dated April 9, 2007 as Exhibit "F".

18. Nevertheless, KIM had continued to provide the company with his professional service, continued to send his invoices, and continued to collect the fees from the company, from time to time. The company had never terminated the KIM's professional service and, at all relevant time, believed that KIM was still assisting the company in connection with US Patent Application 09/992,824.

19. In the beginning of 2007, the company had disputes with its competitors. In response, in or about March 2007, the company hired Hans Lee, a Korean patent attorney at SINJI International Patent Law Firm ("SINJI") to thoroughly evaluate its overall patent portfolio. Mr. Young-Soo Ahn at ATOUCH was assigned to assist SINJI.

20. During such investigation, on or about June 28, 2007, Mr. Young-Soo Ahn reported to the president and me that he just discovered US Patent Application No.09/992,824 filed by ATOUCH seemed to be a strong and valuable invention, and needed to find out the current status of the US patent application. So, ATOUCH instructed SINJI to find out the current status of the US patent application.

21. Subsequently, on or July 20, 2007, Mr. Hans Lee at SINJI reported back to Jung-Yoon Shin, then president of ATOUCH and Young-Soo Ahn that the US patent application was abandoned but could be revived by filing a petition. Mr. Hans Lee also suggested that a petition would be a

worthwhile effort, and ATOUCH could obtain a very valuable patent by filing adequately amended claims.

22. Upon discovering the fact, for the first time, that US Patent Application No.09/992,824 was abandoned, ATOUCH was quite surprised because ATOUCH was never aware of the fact and the company had no reason to abandon the US patent application. So, on the same date, ATOUCH instructed SINJI to take measures necessary to promptly revive the US patent application.

23. Thereafter, the company was informed from SINJI that, on or about October 29, 2007, a petition to revive the US application was filed through Rothwell, Figg, Ernst & Manbeck, P.C. (The USPTO Decision On Petition dated February 22, 2008 indicated that no proper power of attorney was filed for Robert B. Murray of Rothwell, Figg, Ernst & Manbeck. But, the company was not familiar with the USPTO procedural rules and it did not know that a proper power of attorney document had to be submitted to the USPTO.)

24. Since early 2008, the company was going through a massive management change, and eventually, the company was merged into ILJIN Display Co., Ltd. ("ILJIN") on August 1, 2008. The merger was the most significant event for the company's development since its incorporation, and it was imperative for the company to successfully implement the merger. So, the president and the Administrative Team have to devote most of their time to the merger and the transition work associated with merger.

25. Particularly, I have to coordinate all patent matters with Mr. ChongSu Seo at the intellectual property team of ILJIN, and Mr. ChongSu Seo has been directly communicating with the ATOUCH's outside patent attorneys regarding the ATOUCH's patents.

26. On or about April 28, 2008, I was informed from Mr. ChongSu Seo that he received from SINJI a copy of the USPTO's Decision on Petition denying the ATOUCH's petition to revive US Patent Application

No.09/992,824. Upon learning the USPTO's decision, Mr. Ha-Chul Kim, the current president of ATOUCH, immediately discussed the matter together with me and Mr. ChongSu Seo, and decided to file a reconsideration after thoroughly investigating the circumstances and collecting sufficient evidence.

27. In or about July 2008, Mr. Hans Lee at SINJI sent to ATOUCH a package of correspondence documents obtained by Joo Mee Kim from STEINBERGER. Through this package, for the first time, the company discovered that on or about May 27, 2003, KIM sent a letter to STEINBERGER informing that KIM would no longer be responsible for the US Application No.09/992,824 and advising STEINBERGER to directly communicate with the company.

28. Until I obtained this letter from SINJI, the company was not aware of the existence of the letter and I have not seen the letter in the company's patent files. I have attached hereto a true and correct copy of the KIM's Letter obtained from SINJI, as **Exhibit "G"**.

29. Also, through this package, for the first time, the company discovered that STEINBERGER apparently sent three letters to the company informing of the USPTO office action, the first letter on October 13, 2003 by mail, the second reminder letter on December 23, 2003 by fax and the third letter on January 7, 2004 by fax.

30. But, until I obtained these letters from SINJI, the company was not aware of these letters and I have not seen these letters in the company's patent files. I have attached hereto true and correct copies of the STEINBERGER's letters obtained from SINJI, the letter dated October 13, 2003 as **Exhibit "H"**, the letter dated December 23, 2003 as **Exhibit "I"**, and the letter dated January 7, 2004 as **Exhibit "J"**, respectively.

31. One of the STEINBERGER's letters was addressed to "12F. Wooree Venture Town, #684-2, Deungchon-Dong, Kangseo-Gu, Seoul 157-030, Korea". However, the company relocated its office to "6 Floor, Wooree Venture Town" in April 2004, to "5th Floor, Wooree Venture Town" in

August 2005, to "7th Floor, Wooree Venture Town" in May 2006, and to its current location, "3rd Floor, Daeji Building" in May 2007.

32. If the company had known the Office Action and the due date to respond through these letters, there was no reason not to timely respond. In fact, the Korean patent based on the same invention was already granted, and it would be not difficult to respond to the USPTO's objection. Although the company was financially not in good shape, the amount of expected expenses was not significant in consideration of the company's overall operation size. In fact, since the company is a technology company and the company has been endeavoring to secure more funds from outside investors, it would be absurd to abandon any patent weakening the company's patent portfolio.

33. In or about August 2008, Mr. ChongSu Seo informed to me that he called Mr. Gwang-Sik Jang, who was the president of ATOUCH from May 2001 until February 2005, to find out why ATOUCH had failed to respond to the USPTO office action in 2004, but, Mr. Jang did not recall instructing any patent attorney to abandon the US patent application or receiving any letter instructing ATOUCH to submit its response to the USPTO office action.

I hereby certify that all statements made herein are of my own knowledge and true, and made with the knowledge that false statements are punishable by fine or imprisonment.

Dated: 25/09/'08

By: ChongSu Seo